

Bayer



April 12, 2012

Chintan K. Amin
Senior Counsel
Corporate Law

William J. Reilly, Jr.
Office of Regional Counsel
Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007

**Re: Riverside Avenue Site, Newark, Essex County, New Jersey
Request for Information under the Comprehensive
Environmental Response, Compensation and Liability Act, 42
U.S.C. § 9601 et seq. ("CERCLA")**


Dear Mr. Reilly:

We are writing in response to the referenced CERCLA Information Request. Our responses to each enumerated question and the signed and notarized certification are attached as **Exhibit A**.

Bayer Corporation has conducted a reasonable and thorough review of its corporate records. David Schnelzer, Bayer Corporation's Manager - Corporate Environmental reviewed available corporate records to determine whether any were related to Riverside Avenue Site, Universal International Industries Inc., Jobar Industries, Inc., Jobar Packaging, Inc., Frey Industries, Inc. and Mr. Tilghman Frey. We reserve the right to amend or supplement its responses to the Information Request should additional information come to light.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Chintan K. Amin
Sr. Counsel

cc: Ms. Marissa Truono
Mr. Gregory S. Babe
Mr. David Schnelzer

Bayer Corporation
100 Bayer Road, Building 5,
Ground Floor
Pittsburgh, PA 15205-9741

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EXHIBIT A

BAYER CORPORATION'S RESPONSES TO THE FEBRUARY 28, 2012 CERCLA INFORMATION REQUEST FOR THE RIVERSIDE AVENUE SITE, NEWARK, ESSEX COUNTY, NEW JERSEY

A. Questions:

1. Answer the following questions regarding your Company. In identifying a company that no longer exists, provide all the information requested, except for the agent for service of process. If your Company did business under more than one name, list each name.

- a. State the correct legal name and mailing address of your Company.

Bayer Corporation
100 Bayer Road
Pittsburgh, PA 15205

- b. State the name and address of the president or the chairman of the board, or other presiding officers of your Company.

Gregory S. Babe, President and CEO
Bayer Corporation
100 Bayer Road
Pittsburgh, PA 15205

- c. Identify the State and year of incorporation of your Company and your Company's agent for service of process in the state of incorporation and in New Jersey.

Bayer Corporation is an Indiana Corporation and was formed in 1986.

Bayer Corporation's agent for service of process in Indiana is:

Corporation Service Company
251 East Ohio Street
Indianapolis, IN 46204

Bayer Corporation's agent for service of process in New Jersey is:

Corporation Service Company
Bear Tavern Road
West Trenton, NJ 08628

- d. If your Company is a subsidiary or affiliate of another Company, or has subsidiaries, or is a successor to another Company, identify these related companies. For each related Company, describe the relationship to your Company and indicate the date and manner in which each relationship was established.

The corporate history of Bayer Corporation is extremely complex and difficult to fully reproduce in response to the above question. If the Agency requires specific information relating to a particular legal entity, we can respond more fully in connection with that legal entity and its relationship, if any, with Bayer Corporation. However, a brief summary follows:

- Bayer Corporation is a wholly-owned subsidiary of Bayer Aktiengesellschaft, a German legal entity.
- On or about March 28, 1995, Bayer Corporation (IN), Bayer USA Inc. (WV) and Miles Financial Services Inc. (MA) were merged into Miles Inc. Contemporaneously, the surviving company's name was changed to Bayer Corporation.
- Mobay Corporation, successor by name change to Mobay Chemical Corporation, was merged into Miles, Inc. on or about December 31, 1991.

2.

a. During the period from January 1, 1970 to December 31, 1999, did your Company ever enter into any transaction(s), including any contract(s), with any of the following persons pursuant to which your Company provided any drums, containers or industrial waste to any of the persons named below? (Please provide a Yes or No answer as to each):

1. Universal International Industries, Inc.

No

2. Jobar Industries, Inc.

No

3. Jobar Packaging, Inc.

No

4. Frey Industries, Inc.

No

5. Mr. Tilghman Frey

No

b. During the period from January 1, 1970 to December 31, 1999, did any of the following companies ever remove any industrial waste from any facility which was ever owned or operated by your Company? (Please provide a Yes or No answer as to each company below):

1. Universal International Industries, Inc.

No

2. Jobar Industries, Inc.

No

3. Jobar Packaging, Inc.

No

4. Frey Industries, Inc.

No

c. During the period from January 1, 1970 to December 31, 1999, did any of the following companies ever remove any drums or containers having in it any product, off-spec product or any liquids, solids or sludges from any facility which was owned or operated by your Company? (Please provide a Yes or No answer as to each company below):

1. Universal International Industries, Inc.

No

2. Jobar Industries, Inc.

No

3. Jobar Packaging, Inc.

No

4. Frey Industries, Inc.

No

d. During the period from January 1, 1970 to December 31, 1999, did your Company ever arrange with any of the following companies to remove or receive or store i) any drums, packages, tanks or containers or ii) any product or off-spec product or iii) liquids, solids or sludges that originated at any facility which was owned or operated by your Company? (Please provide a Yes or No answer as to each company below):

1. Universal International Industries, Inc.

No

2. **Jobar Industries, Inc.**

No

3. **Jobar Packaging, Inc.**

No

4. **Frey Industries, Inc.**

No

For every Yes answer provided in response to question noted in 2.c. through 2.d., above, provide the basis for responding Yes to the question and the following, as applicable: a) the times, dates and facilities and person involved and b) the nature, quantity and chemical composition of the material which was transported from your Company to the Site or which was provided to any of the company's identified in questions 2.a. through 2.d., above.

Not Applicable.

3. **Do you have any reason to believe that any of the following may have been transported from any facility which was ever owned and/or operated by your Company and later taken to the Site:**

a. **any hazardous substance?**

No

b. **any liquids, solids or sludge?**

No

c. **any solid waste of any type?**

No

d. **anything which was to be stored or treated and later returned to your Company?**

No

e. **any product or off-spec product which was to be treated and later returned to your Company or shipped to a third party on behalf of your company?**

No

f. **any containers, regardless of contents or lack thereof?**

No

- g. any drums, regardless of contents or lack thereof?**

No

Please provide a separate Yes or No answer to each of the above items (3.a thru 3.g). For each Yes answer, please provide the specific basis for your answer, including the materials that you believe may have been transported from your Company to the Site, including chemical characterization, quantities (by volume and/or weight), number of drums or containers etc., the facility from which the material was removed, the hazardous substances in such materials, the personnel and/or haulers involved in each such shipment, the dates of such shipments and all records relating to such shipments.

Not Applicable.

- 4. Do you have any reason to believe that any of the following companies may have taken any industrial waste or any hazardous substance from any facility which was ever owned and/or operated by your Company and that such industrial waste or hazardous substance may have been transported to and/or disposed of at the Site:**

- a. Universal International Industries, Inc.**

No

- b. Jobar Industries, Inc.**

No

- c. Jobar Packaging, Inc.**

No

- d. Frey Industries, Inc.**

No

Please provide a separate Yes or No answer to each of the above items (4.a thru 4.d) . For each Yes answer, please provide the specific basis for your answer, including the materials that you believe may have been transported from your Company to the Site, including chemical characterization, quantities (by volume and/or weight), number of drums or containers etc., the facility from which the material was removed, the hazardous substances in such materials, the personnel and/or haulers involved in each such shipment, the dates of such shipments and all records relating to such shipments.

Not Applicable.

5. Do you have any reason to believe that any materials, including any hazardous substances, or any drum or containers of any type may have been removed from any facility which was ever owned and/or operated by your Company in New Jersey State and transported to and/or disposed of at the Site?

No

6. Identify each individual who assisted or was consulted or who answered on your behalf or on behalf of the Company in the preparation of its response to this Request for Information and specify the question with which each person assisted in responding.

David Schnelzer, Manager – Corporate Environmental.

B. Request for Records:

7. Please provide copies of all the following which are in the custody or control of your Company:

a. Every record indicating any transaction, communication, or business dealing with Mr. Tilghman Frey.

None

b. Every record indicating any transaction, communication, or business dealing of any type with Frey Industries, Inc.

None

c. Every record indicating any transaction, communication, or business dealing of any type with Jobar Industries, Inc.

None

d. Every record indicating any transaction, communication, or business dealing of any type with Universal International Industries, Inc.

None

e. Every record indicating any transaction, communication, or business dealing of any type with Riverside Avenue Properties.

None

f. Every record indicating any transaction, communication, or business dealing of any type with Merit Enterprises, Inc.

None

g. Every record indicating any transaction, communication, or business dealing of any type with Industrial Development Corporation.

None

h. Every record indicating any transaction, communication, or business dealing of any type with Industrial Development Association.

None

g. Every record relating to any drums, containers or waste material that your Company has any reason to believe may have been taken by anyone (during the time period from January 1, 1970 to December 31, 1990) from any facility that your Company ever owned or operated and which later entered the Site.

None

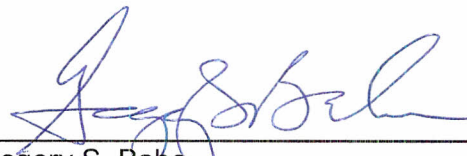
CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of Pennsylvania

County of Allegheny

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

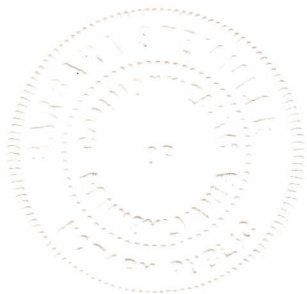


Gregory S. Babe
President and CEO Bayer Corporation

Sworn to before me this 13th day of April 2012



Notary Public



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Barbara Stemmler, Notary Public
Robinson Twp., Allegheny County
My Commission Expires Aug. 27, 2012
Member, Pennsylvania Association of Notaries